IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

INCOME TAX APPLICATION NO.9 OF 2006

The Commissioner of Income Tax
Mumbai City-IV, Mumbai .. Petitioner
V/s
Tata Projects Ltd. .. Respondent

Mr.Sahadevan for the Petitioner.
Mr.K.B.Bhujle for the Respondent.

CORAM : DR.S.RADHAKRISHNAN &
J.P.DEVADHAR, JJ.

DATE : 5th March, 2007.

P.C.:

1. Heard the learned Counsel for the parties. In this Application, the following substantial question of law is sought to be raised:-

> "Whether on the facts and in the circumstances of the case, the Tribunal was right in law in deleting the addition made by the Assessing Officer u/s.37(4) of the Income Tax Act, in respect of expenses for maintenance of guest house?"

2. Rule. Rule is made returnable forthwith. By consent of both the parties Application is allowed. By consent, application be treated as "statement of the case".

3. Both the learned Counsel categorically state that the issue involved in this application is squarely covered by the decision of the Supreme Court in the case of **Britania Industries V/s. CIT - 278 ITR 546 (SC),** in favour of the Revenue. Therefore question of law

involved in this application is answered in favour of the Revenue and against the Assessee. Application stands disposed of.

(J.P.DEVADHAR, J.) **(DR.S.RADHAKRISHNAN,J.)**